14. Laterite quarrying.

President.—Resolution No. 14, Mr. K. T. Mathew.

Mr. K. T. Mathew.—Sir, I beg to move that "*this Council requests the Government to delete from the Land Revenue Manual the provision to obtain the sanction from Jenmies for laterite quarrying*". Buildings are essential for the welfare and comfort of human beings, and in these civilised days Governments are constructing buildings for the poor and destitute in order to make them happy and comfortable. A similar resolution had been discussed in this House and in the course of the discussion it was stated by the Revenue Member that as far as he is concerned there is no objection to accept the recommendation contained in this resolution. Under the Tenancy Regulation the Jenmi is given all the necessary protection against all misdeeds of tenants so far as the land is concerned. If the tenant causes permanent deterioration to land so as to affect the value of the land the Jenmi has his own remedies. There is a provision in the Tenancy Regulation to the effect that the Jenmi can sue his tenant for damages in such cases and claim compensation for deterioration. So by giving permission to the tenants for quarrying without the sanction of Jenmies the Jenmies will not be put into any kind of loss.

Another question we have to consider is whether the sub-soil belongs to the Jenmi or the Government. In answer to a question put in the Council about this, the Hon'ble Member said that the sub-soil belongs to the Government and not to the Jenmi. In the course of discussion that ensued while discussing the former resolution the President pointed out that, if the tenant does any injury to the land, it is open for the Jenmi to get an injunction from court of law. These are his words: "there is also a safeguard as an injunction can be applied for if necessary".

To improve agriculture it is very important that land should be made fit for agriculture and it needs no mention that, by quarrying laterite, land would be very much improved. By accepting this resolution it would be possible for the tenant to improve the land by removing the stones which obstruct the growth of trees, etc. For these reasons I commend the resolution to the acceptance of this House.

Mr. M. K. Raman.—I rise to second it. In this happy land of Cochin where most of the lands in the State were divided between the Jenmies and the tenants were put in possession of those lands for cultivation under some tenure or other, the Jenmies have several modes of extracting money from the tenants. We know also that there is a great deal of dispute

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going on now regarding the relationship between the Jenmies and tenants. The obligation to get the permission of the Jenmi for quarrying laterite is an additional mode of squeezing the tenant. The property is in the possession of the tenant. And he wants to quarry stones from it. If the Jenmi's permission is asked for, he naturally would not grant it unless money is paid to him. According to existing rules the Government insists upon the consent of the Jenmi for digging out laterite even for building purposes. The Jenmi would never grant that permission unless some money is paid to him whatever be the purpose.

Mr. K. P. Kannan Nayar.—The resolution does not say 'building purposes'.

Mr. M. K. Raman.—Laterite is dug out for building purposes and not for any other purpose. My submission is that the provision which necessitates the consent of the Jenmi for quarrying laterite should be deleted. This is a matter which has come up before this Council more than once before. By quarrying laterites the land is not in any way deteriorated. On the other hand, it will be an improvement upon the land. It has been already pointed out by the mover that the Jenmies strictly speaking are not entitled to the sub-soil. It is only the superficial layer of the earth that belongs to them.

Mr. A. Eachara Menon.—How much?

Mr. M. K. Raman.—I am not able to say how much he is entitled to. But it has been pointed out in this House on a former occasion that all the minerals and all the sub-soil belong to the Government, and the Jenmy has no right to claim anything from the tenant if he wants to quarry laterite from the soil. My submission is if this provision is deleted from *the Land Revenue Manual* you will be extricating the tenant from a bondage under which the tenant is really suffering a great deal now. I pray the House will be pleased to pass this resolution unanimously.

President.—There is an amendment to this resolution, No. 14, standing in the name of Mr. T. A. Ramachandra Ayyar, to omit the word 'jenmi' and insert '*pattadar*' and to add in the end 'and digging of clay'.

Mr. T. A. Ramachandra Ayyar.—The object of the amendment is simply this. Now it is not only the Jenmies that prevent the tenants from quarrying of laterite but also the *pattadars*.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Even in regard to private lands assigned on *Pandaravaka Verumpattom* to *verumpattomdars*, the tenant, if he applies, will be given per-

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mission only if the *pattadar* consents. *The Land Revenue Manual* speaks only of *pattadars*, and not the Jenmi. But generally the Jenmi is the *pattadar*, and it is according to *the Land Revenue Manual* that this restriction is placed.

Dr. A. G. Menon.—As regards the last portion of the amendment, *viz.*, the insertion of 'digging of clay', the reason is clear, for the mover of the amendment is the Manager of a Tile Factory. (*Laughter.*)

Mr. T. A. Ramachandra Ayyar.—Now, even for the putting up of a mud-wall or hut these tenants have to get the permission of the Jenmi and that is a real grievance and hence I want to insert 'and digging of clay'.

Mr. P. Kumaran Ezhuthassan.—I second the amendment, and in doing so, I wish to state that the object of the amendment is to make the provision a wider one. The other is restrictive and to make it wider the change is sought to be introduced.

President.—The *pattadar* will include the Jenmi also.

Mr. P. Kumaran Ezhuthassan.—The amendment is necessary. I wish to bring before the House the fact that, inasmuch as the *pattadar* is in possession, in the event of any loss accruing to him by this quarrying, he has got the remedy to recover the damage caused to him, and so it is but necessary that that provision should be removed from *the Land Revenue Manual.*

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I have not much to say. We had a very full-dress debate just two years ago and then the House was divided and all the details were threshed out, and I find on reading the report of the discussion that there was very strong opposition from the non-official side, especially from Mr. Raja, Mr. Marayil Krishna Menon, Mr. Sankara Puduval, Mr. Kunhu Muhammad, etc. They explained the rules and the difficulties, and when the sense of the House was taken, the House opposed the resolution and the resolution was rejected. There was an amendment to the resolution which was far more comprehensive. This present resolution was then suggested in the form of an amendment but the whole resolution was thrown out by the House. Two years have gone by, and so far as I can see there has been no change in the position. On the other hand, two important changes have taken place. The first is that hereafter we will have a set of joint *pattadars*. Till now we have the *Pandaravaka verumpattomdar*, kanamdar and the jenmi and hereafter we will have a set of joint *pattadars*. We have

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not gone into the question of the relative rights and responsibilities and obligations of these joint *pattadars* in regard to quarrying and other matters affecting the relationship between the landlord and the tenant, whether *kanom* tenant or *verum-pattam* tenant under the Jenmi. What all additional privileges he will have we have not yet very carefully considered. I suppose the House will admit that, so far as the right to quarry and the Jenmi's right to get seigniorage or the Jenmi's not being entitled to get seigniorage and all other things are concerned, they are matters of relationship between the landlord and the tenant, and as announced by you, Sir, on behalf of the Government, a Committee is going to be appointed to go into the question of amendments to the Tenancy Regulation, and then all these points affecting the relationship between the landlord and the tenant will prominently come into consideration In view of this fact that the House has once rejected the resolution after a full-dress debate and in view also of the fact that all these changes have got to be considered in the near future, I do not think that this is the time to go in for any particular change about the quarrying rules alone and I think that the matter can be considered deliberately on the two sides of the question at the time of this impending inquiry. Then I think the whole thing can be gone into very carefully and we will have a far more satisfactory settlement of this dispute when the matter is handled by the Committee which will be appointed to enquire into the amendment to the Tenancy Regulation which would necessarily involve rights and responsibilities of the landlord and the tenant, and at the present stage I do not think Government can accept the resolution. That is all I have got to say.

Mr. M. K. Raman.—Does the Government oppose ?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—By saying that the Government oppose the resolution Government is not opposed to the principles involved in the resolution. But at the present stage Government cannot accept the resolution.

Mr. C. A. Kunjunni Raja.—Sir, I oppose the resolution. The effect of this amendment is "for the sin of Peter, Paul is to be robbed". The *pattadar* is liable under Rule 94 for the penalty for quarrying without permission of the Government and under Rule 95 for the penalty for the damage done to the land by indiscriminate quarrying. Under the Settlement Proclamation it is the *pattadar* who is held liable for everything connected with the land. That will be very clear by reading these Rules. Rule 94:—

"*Pattadars* of lands in which quarrying is undertaken without obtaining the Tahsildar's permission as required under

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Art. 87 will be liable to be charged with enhanced seigniorage fees or acreage assessment as a penalty, even though the quarrying might have been done for *bona fide* domestic or agricultural purposes".

Then Rule 95 says:—

"In cases where permission is granted by the Tahsildar for quarrying, the *pattadars* should be made to understand distinctly that, in the event of the land being seriously damaged by quarrying, it is open to the Durbar to impose enhanced seigniorage fees or acreage assessment as the case may be, to make good the permanent loss of revenue that would result in the event of the relinquishment of the area which has been damaged and rendered unfit for cultivation."

And under Rule 87, permission is to be obtained from the *pattadar*. By the acceptance of this resolution, the Government will be recognising for the purpose of quarrying a third party who is not under the control of the *pattadar* and for the fault of that third party a different individual, the *pattadar*, is to be held liable. In justice this should not be allowed. Further, this will be an interference with the rights of the *pattadars*, which is forbidden under the Settlement Proclamation for 30 years. It is clear from section 18 of the Settlement Proclamation that for all purposes, "in the case of *Pandaravaka* lands held on *verumpattom* and *kanom* tenures, the Settlement will be made with the present holder of the land and in regard to *Puravaka lands with the Jenmi.*" And according to section 26, "In short, no interference of any kind will be permitted with the new Settlement, when it is completed, for the next thirty years." So, strictly speaking, it is illegal to interfere with the rules unless thirty years have expired from the date of the Settlement. That is one objection. Another objection is—suppose the quarrying is done for commercial purposes; why should not the landlord get a portion of the profit for quarrying his own land? If the rule is to be deleted, the *pattadar* will have absolutely no control. Any lessee can remove the laterite without any punishment and the landlord will have to go to court and sue for damages; but here, if he refuses permission, he can prevent such abuses and he can get his share of the profits without any trouble. Only the surface soil is given possession for cultivation and the sub-soil belongs to the *pattadar*. For these reasons I oppose the resolution.

Mr. V. V. Anantapadmanabha Ayyar.—Sir, I support the resolution. Under the present rules, a person, who wants to quarry laterite from a particular holding, has to apply in the village office and he has to get the consent of the *pattadar* also.

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Now an application of this sort does not presuppose the payment of any fee for its sanction but it is granted as a matter of course. Only it requires the consent of the *pattadar*. Now, how is the *pattadar* prejudiced in this case? By laterite quarrying in some cases the natural resources of the property will be taken up and in other cases the property will be improved. Now the *kanom* holder has got to a certain degree complete ownership of the soil. A portion of the ownership vests with the Jenmi and a portion of the ownership vests with the *kanom* tenant. The *kanom* tenant has a permanent tenure and is the permanent holder of the property.

President.—You can only say that the *kanom* tenants have got uninterrupted possession for over 30 years.

Mr. V. V. Anantapadmanabha Ayyar.—In Travancore all *kanomdars* have got permanent right of occupancy and they can quarry stone even without the permission of the Jenmi and without sanction being obtained from the Government. Every *Pandaravaka pattom* holder can also quarry stone without permission being obtained from the Village Office. In a case where a person quarries stone, if any party is prejudiced, he has got his own remedies. That remedy has been provided for under the general law of the land. So the liberty of the subject to quarry stone should not be interfered with by the Government by enacting such a rule of law. It might be to put up a building; it might be very essential. All these things should not be interfered with by the Government. Private persons have got their own remedies and they can use their remedies as occasion arises. So I support the resolution.

Mr. A. B. Salem.—May I know from the Hon'ble the Revenue Member whether there has been a question of claim for damages till now due to this quarrying? I understand from what the Hon'ble Member for Cherviturutti said that a person will be given permission for quarrying only after the *pattadar's* consent is obtained. Have any cases for damages cropped up?

Mr. A. K. Vengu Ayyar.—How can it arise? Once the *pattadar's* consent is obtained, no case of damage will ever arise.

Dr. A. R. Menon.—On a point of information. Does laterite come under the category of minerals?

Mr. A.B. Salem.—That is what I say. Once the sanction of the Government is obtained no question of damage can ever arise.

Dr. A. R. Menon.—Does laterite come under the category of minerals?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Yes.

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Dr. A. R. Menon.—One more question. Supposing this alteration is effected, will it in any way affect favourably the real tenant? I don't mean the *kanom* tenant, I mean the real tiller of the soil.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—What do you mean by the tenant? It is a very hoary question to answer. I can't answer that. The whole of the Madras Presidency was fighting for that simple word when they enquired into the question of the Malabar tenancy. They have written a lot of literature on the subject. I confess my inability to define it.

President.—The tenant is one who holds land under the landlord. And then there is the *verumpattomdar* and the *kanomdar*. They are all relative terms.

Dr. A. R. Menon.—Has he got any right in this?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—He has got that right to apply and to get a portion from the quarry.

President.—We will continue discussion after lunch.

The Council rose for lunch at 2 p. m. and re-assembled at 3 p. m. with the Deputy President in the Chair.

Deputy President.—We shall proceed with the discussion of resolution No. 14. Does anybody desire to speak anything in regard to this?

Dr. A. G. Menon.—Much has been said about it.

Deputy President.—Some expressed a desire. I do not know whether they had anything to say.

Mr. A. K. Vengu Ayyar.—None now.

മിസ്റ്റർ ഒയസേച്ചു് കുണ്ടുകളം.—കല്ലും മണ്ണും ഭൂമിയിൽനിന്നും കഴിച്ചെടുക്കുന്നതു് ജന്മിയുടെയും ഗവമ്മെണ്ടിന്റേയും അനുവാദംകിട്ടിയിട്ടുവേണമെന്നുള്ള നിയമം കോൺകൃഷിക്കാരായ ജനങ്ങൾ പലപ്പോഴും ലംഘിച്ചു പ്രവർത്തിക്കുവാൻ നിർബ്ബന്ധിതരായിപോകുന്നുണ്ടു്. കഴിഞ്ഞവർഷത്തിൽ കോൺകൃഷിസമയം ഞങ്ങൾ കുതന്നെ ഈ നിയമത്തെ ലംഘിച്ചു പ്രവർത്തിക്കേണ്ടതായിവന്നുകൂടി. ഈ നിയമം ഇല്ലായിരുന്നുവെങ്കിൽ അതു ഒരു അക്രമവും ആയുകയില്ലായിരുന്നു. ൪ ൦ ൦ ഏക്കർ ഭൂമി മാടി എഞ്ചിൻവെച്ചു് വെള്ളംവറ്റിച്ചു് ൨ ൦ ൦ ഏക്കർ നിലം നാട്ടംവിതയുംകഴിഞ്ഞസമയത്തു് കഴിവീഴുകയും ആറുമണിക്കൂറിനകത്തു് ൪ ൦ ൦ കുണ്ടി മണ്ണിട്ടു് ആ കഴി അടക്കേണ്ടതായി വന്നുകൂടുകയും ചെയ്തു. ആയിരംപറനിലം മുഴുവനും നാട്ടംവിതയും കഴിഞ്ഞിരുന്നു. രണ്ടു രാപകൽകൊണ്ടു് അതുവറ്റിക്കേണ്ട അത്യാവശ്യം നേരിട്ടു. അല്ലെങ്കിൽ മുഴുവനുംനശിക്കും. അപ്പോൾ ഗവമ്മെണ്ടിനോടും ബ്രിട്ടീഷിൽ താമസിക്കുന്ന പുന്നത്തൂർ വലിയ രാജാവവർകളോടും അനുവാദംവാങ്ങിവരുവാൻപോകുന്ന സമയംകൊണ്ടു് ഇതൊക്കെ ന

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ശിച്ചു് വലുതായ സങ്കടത്തിനു് കാരണമാകുമായിരുന്നു. ഈ ൫,൦൦൦ പറ നിലത്തിലെ അനുഭവത്തിന്റെ നഷ്ടം ആരു തരും? അതിനാൽ ഞങ്ങൾക്കു് എന്തുപിഴവന്നാലും കെട്ടിക്കൊള്ളാം, എന്നു ധൈര്യപ്പെട്ടുകൊണ്ടുതന്നെയായിരുന്നു നിയമത്തെ ലംഘിച്ചു പ്രവർത്തിച്ചതും. അവരുടെ അനുവാദംകൂടാതെ ആറുമണിക്കൂർ കൊണ്ടു് ൪൦൦ കണ്ടിമണ്ണിട്ടു് കഴഅടച്ചു. ഒടുവിൽ ഗവർമ്മെണ്ടു് ൫൫ രൂപാ പിഴയിടുകയുംചെയ്തു. ഞങ്ങൾ ഈ നിയമംപാലിക്കുവാൻവേണ്ടി അനുവാദത്തിനുപോയിരുന്നുവെങ്കിലുള്ള നഷ്ടം സഹിക്കാൻ പാടില്ലാത്തതും ഈ പിഴയെക്കാൾ വളരെ വളരെ കൂടുതലും ആകുമായിരുന്നു. അതിനാൽ ഈ നിയമത്തെ മാറ്റേണ്ടതു് അത്യാവശ്യമാണു്. ഈ വിധത്തിലല്ല ഇതു മാറ്റേണ്ടതു്. അതിനെപ്പറ്റി അധികം താമസിയാതെ വേറൊരു പ്രമേയം ഹാജരാക്കുന്നതാണു്. അതിനാൽ ഇപ്പോഴത്തേക്കു് ഈ പ്രമേയമെങ്കിലും ഗവർമ്മെണ്ടു് അംഗീകരിക്കേണ്ടതാകുന്നു.

മിസ്റ്റർ ഐ. ഇ. അമ്മൂക്കൻ.—ഞാനും ഇതിനെ പിന്താങ്ങുന്നു. ഈ നിയമത്തിന്റെ അത്യാവശ്യം എന്താണെന്നു മനസ്സിലാകുന്നില്ല. ഈ നിയമം വേണ്ടെന്നുവെയ്ക്കുന്നതുകൊണ്ടു് പൊതുജനങ്ങൾക്കോ, ഗവർമ്മെണ്ടിനോ ജന്മികൾക്കോ വല്ല ദോഷവും സംഭവിക്കുമെന്നുണ്ടെങ്കിൽ ഈ നിയമം ആവശ്യമാണെന്നു പറയാം. അനാവശ്യമായ ഒരു നിയമം വെച്ചുകൊണ്ടിരിക്കുന്നതിൽ എന്തു ന്യായമാണുള്ളതു്? കല്ലുവെട്ടുന്നതുകൊണ്ടോ മണ്ണെടുക്കുന്നതിനാലൊ ഭൂമികൾക്കു് യാതൊരു വിധദൃഷ്യവും ഉണ്ടാകുന്നില്ല. നേരെ മറിച്ചു് സ്വല്പമെങ്കിലും ഗുണമേയുള്ളു. പിന്നെ ഈ നിയമം ഇവിടെ എങ്ങിനെ വന്നുചേർന്നുവെന്നാണു് ആലോചിക്കുവാനുള്ളതു്. മറ്റു ചില രാജ്യത്തു് വല്ലസ്ഥലത്തും വളരെ വിലപിടിച്ച ....കല്ലുകളൊ സ്റ്റോറുപാറകളൊ ഉണ്ടായിരിക്കും. അവിടെ ഇങ്ങിനെ നിയമവും ഉണ്ടാകും. അവിടത്തെ നിയമം പകർത്തി പകർത്തി എടുത്തപ്പോൾകൂടി ഉണ്ടായിരുന്നതായിരിക്കണം ഈ നിയമം (*hear, hear*). ഈ നിയമം എടുത്തുകളഞ്ഞാൽ ഈ രാജ്യത്തു് ഏവനും കല്ലും മണ്ണും അവരവരുടെ ആവശ്യങ്ങൾക്കു് ഉപയോഗിപ്പാൻ സ്വാതന്ത്ര്യമുണ്ടാകും എന്നല്ലാതെ ഗവർമ്മെണ്ടിനു് യാതൊരു സാരമായ നഷ്ടവും ഉണ്ടാകുവാനില്ല. ഈ നിയമം പെരുകടിലുകൾക്ക ആവശ്യമുള്ള സാധുജനങ്ങളെയാണു് അധികം സങ്കടപ്പെടുത്തുന്നതു്. ഉടമസ്ഥന്മാർമൂലം ഗവർമ്മെണ്ടിലേക്കു് കരജ കൊടുത്തു് അനുവാദം വാങ്ങുന്നതിനു് എഴുത്തറിയാൻ പാടില്ലാത്ത ആ സാധുക്കൾക്കു് എളുപ്പത്തിൽ സാധിക്കുന്നതാണൊ? ഇങ്ങിനെ ചെയ്തിട്ടു് ആവശ്യം എന്തു? അതിനാൽ ഇതിനെ സംബന്ധിച്ചു നിയമങ്ങൾ എല്ലാംതന്നെ എടുത്തുകളയേണ്ടതാണു്. ഇതിനെപ്പറ്റി പൂഞ്ഞാർവരത്തോടുകൂടിയ ഒരു റെസല്യൂഷൻ കഴിഞ്ഞ

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നിയമസഭയിൽ കൊണ്ടുവന്നിരുന്നുവെങ്കിലും നിർഭാഗ്യവശാൽതള്ളിപ്പോയി. ആ മാതിരി റെസല്യൂഷൻ അടുത്തകാലത്തു് ആരെങ്കിലും കൊണ്ടുവന്നാൽ അതു നിശ്ചയമായിട്ടും പാസ്സാക്കേണ്ട കാലമായിരിക്കുന്നു. ഈ നിയമം റദ്ദുചെയ്യണമെന്നു് ഇവിടെ ആവശ്യപ്പെടുമ്പോൾ അതുകൊണ്ടു് ജന്മികൾക്കു എന്തെല്ലാം ഉപദ്രവമുണ്ടെന്നു് ഗവമ്മെണ്ടു് അന്വേഷിക്കേണ്ട ആവശ്യമില്ല.

ഡിപ്പുട്ടി പ്രസിഡെണ്ടു്.—ഗവമ്മെണ്ടു് നികുതിവാങ്ങുന്നതു് ജന്മികളിൽനിന്നാണു്. അതുകൊണ്ടു് അവരുടെ കാര്യംകൂടി ആലോചിക്കണം.

മിസ്റ്റർ ഐ. ഇ. അന്യൂക്കൻ.—ഗവമ്മെണ്ടു് അനുവദിച്ചാൽ കുടി ജന്മിമാർ അനുവദിച്ചില്ലെങ്കിൽ എങ്ങനെ മണ്ണും കല്ലും എടുക്കും? ജന്മിയുടെ അനുവാദംകൂടി വേണമെന്നു പറയുന്നതു് പ്രായോഗികമല്ലാത്തതും കൂടുതൽ ബുദ്ധിമുട്ടുള്ളതും ആകുന്നു.

Dr. A. G. Menon.—On a ponit of information. Will the Leader of the House be able to explain the practice in British Malabar about quarrying?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Our rules follow Malabar rules.

Dr. A. G. Menon.—Certainly not.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.— British rules are copied. That is my experience.

Dr. A. G. Menon.—In British Malabar, especially Valluvanad, there is no restriction. That is my own experience.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.— I am not convinced.

Dr. A. G. Menon.—So you are not in possession of facts. That would be a better reply.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Our rules follow the same rules.

Dr. A. G. Menon.—Verbatim?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—They were issued 25 years ago.

Dr. A. G. Menon.—Is this the custom in Malabar?

Mr. M. K. Raman.—He does not know.

Mr. M. A. Chakko.—Sir, the resolution before the House is that Jenmies' sanction should not be made essential or necessary for the purpose of quarrying leaterite from the lands held by the ryots of this State. The Jenmi Member's objection was that before allowing this resolution to be passed certain modifications should be made in the provisions of *the Land Revenue Manual* other than those brought now and also certain variations must be made in the Settlement Proclamation, because the Government exacts seigniorage for metal and mineral quarried

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from any piece of land in Cochin State, and if any person quarries without permission, that person is liable to a penalty. In the absence of any evidence to show that any particular person has committed the infringement of the rules, the *pattadar* will be *prima facie* held liable and caught hold of as the person who has committed the offence. The Jenmi is also along with others a *pattadar* in the State. If the Jenmies' permission is not to be first sought, the Member for Jenmies says that the obligation on the part of the Jenmies to pay the penalty afterwards must also be taken away from them.

Rao Sahib Mr. T. V. Kasturi Renga Ayyar.—Land Revenue Assessment.

Mr. M. A. Chakko.—So the objection raised in the opposition brought forward by the Member for Jenmies seems to be unanswerable, when there is no attitude of the Government to make any modification in the Settlement rules or rather provisions that are contained in *the Revenue Manual*. The heart of the question must be gone into before we propose to make modifications here and there. The heart of the question, as has been exposed by the Member for Adoor and also by the Member for Mulakunnathukavu, is that the people of Cochin are suffering on account of the Government having made a provision in the Settlement Proclamation as well as in *the Revenue Manual* that all quarrying must be done after due permission, and quarrying for commercial purposes can be permitted only after some seigniorage is realised or collected from the ryots. Thus the point, the most important point is whether the Government would be relaxing this rule in favour of the subjects of the State who require clay and laterite chiefly for building and other purposes. Building, as has been urged by the mover of this resolution, is something which everybody wants to make for habitation in the first place and for the sheltering of cattle and other live-stock. Therefore, this essential article, which is necessary for the every day life of the people, is made the subject of a tax. The amount realised is very small.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—No tax. Only for commercial purposes.

Dr. A. G. Menon.—Is that not a tax for the *parambas* ?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Yes.

Dr. A. G. Menon.—Never mind whether the *parambas* are cultivated or not, they are assessed.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I can say *parambas* are assessed. These are all questions of Land Revenue Department.

Mr. M. A. Chakko.—The Government should forego ts share of seigniorage and permit the people to utilise the

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resources of their own compound by digging out crude minerals which they could get from their own compound for their own building. That will be a great thing; and the question of all these cries and grievances can be laid at rest. But so long as Government will not forego the seigniorage then all those difficulties arise. Firstly, for this small matter of revenue, the Government is having a vigilant eye always kept wide open by the village officers to see whether any man has infringed the rule so that he may be pounced upon and made to pay a penalty for that act. True, it is made penal so that the same infringement of the rule may not be more frequently committed. So the Government should forego the seigniorage, which does not, after all, come to a large amount, in any particular year, especially when the Government have in recent times now a month or so since by the Proclamation of His Highness the Maharaja as the 70th Birthday boon foregone several other seigniorages as Government monopolies for teak, blackwood, sandle-wood, etc. It would be very proper for them when the people are incessantly knocking at the door of the Government to relieve the people from the impost to unbend themselves to a certain extent and say that they are willing and ready to forego the seigniorage. When that question is settled, the other question is answered. The *pattadar* is freed from any trouble by thn Revenue authorities of answering the question of himself or somebody else having quarried in his own land. Again the damage that would be caused to any holding of any particular piece of land by quarrying is so much exaggerated to set forth that it will deteriorate the holding in such a way as to make it unfit for cultivation, so much so that the Government will have eventually to forfeit the assessment, etc., etc., simply to make the Government's position a little strong to impose the otherwise inequitable burden on the people. The contingency is made so big as to appear that unless the Government makes this restriction about quarrying in garden land, all Cochin State will be quarried out and made useless for cultivation purposes and Government revenue will suffer, and also there will be diminution in the food supply of the State and so on. That is all exaggeration. As a matter of fact a man values his own land much more than the Government would care for the assessment on it. What a man values, he puts to the best use possible. The Government need not worry about the subjects of the State using bits of the land for the purpose of quarrying. So I should think that the better position now for this House to take is that the passing of this resolution is not so very important; either to push it forward in favour of the mover or to oppose it with the opposer. Because it does

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not serve any useful purpose, at least for the subjects of this State even if this resolution is passed in this House. The opposer, the Member for the Jenmies, has given very sound reasons for opposing this resolution. I, therefore, join with the Jenmi Member to oppose this resolution.

Dr. A. G. Menon.—May I know the amount of revenue that was collected from quarrying?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Rs. 1,300 and odd. We have got figures.

Mr. Thomas Manjuran.—What was the average revenue from monopoly trees last year?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Average revenue? That is a fixed item. If the Member for Trippunittura will read the question, he will see that this is not a question of revenue at all. It is a very paltry sum.

Mr. A. S. Harihara Ayyar.—In this connection, I should like to know whether the mover intends quarrying for commercial purposes or only for *bona fide* home building purposes. If it includes commercial purposes also, I also oppose and support the Jenmi Member. Quarrying on a commercial scale should not be done without the permission of the Jenmies. It may so happen that a tenant may quarry the whole thing and the Jenmi may find it difficult to recover the damages when the tenant happens to be a man of no means. Such a predicament may arise. So it is in the interests of Jenmies that commercial quarrying is not done.

Mr. A. B. Salem.—Sir, I rise to support the resolution. I cannot understand how any Jenmi can be damaged. It has been openly stated in this House that laterites in any land belong to the Government and Government permission must be sought for before quarrying can begin. That permission has still to be sought for even if the resolution were accepted, and if the Government permits to take away what belongs to the Government. How any question of damage to another can arise passes my understanding.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Government does not say that. All these questions are big questions.

Mr. A. B. Salem.—It has been openly stated that laterite is a mineral and all minerals in the land belong to the Government. Whatever it is, there has been in the past a tendency for all Governments to side with the capitalists and the landholders. That charge is a charge which goes against all Governments in the world except perhaps in Russia. They always say that capitalism and land-lordism, all rule the world. If that is so, whenever permission is sought by a tenant or a protenant

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to take away a little stone, whether it be for commercial purposes or for his own private domestic purposes, it does not matter obstacles will come in his way. The stones that are taken from the land will rise up in the air, and become houses. If the stones are removed, all the better for the land. I cannot see any damage caused to any land, because, when the owner of the laterite allows a man to take it away, nobody else can be damaged. No question can possibly arise regarding damage, for the Government has permitted to take away stones, so that the question of damage can never arise. It passes my understanding how it can arise. Even now Government's permission has to be taken. Why should the *pattadar's* permission also be taken? He has to be paid nothing. When the Government say we will not give you permission unless you get the permission of the *pattadar* or Jenmi, then indirectly you tell the tenant, when you want to do so, you must pay. I have given you a rule, that you must bring the permission. Bring that permission. And indirectly you give the Jenmi a hand to extract something from the poor man and, therefore, this proposition that is brought in the interests of the poor finds my hearty support. I hope every Member in this House will support this resolution.

Mr. E. Ikkanda Warriar.—May I know from the Hon'ble mover whether he is willing to restrict his resolution for building purposes and whether he is going to get it amended?

Mr. A. S. Harihara Ayyar.—*Bona fide* domestic purposes.

Mr. I. E. Ambooken.—Who is to decide whether it is for domestic purposes or not? Is it the Jenmi?

Mr. A. B. Salem.—Government will decide.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I may say one thing. For building huts and small houses, no sanction is applied for. Nobody applies.

Dr. A. G. Menon.—For big buildings? Suppose you want to build a big *tharawad* House.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—No fee is charged. You can quarry.

Mr. A. K. Vengu Ayyar.—He must get permission from the Government.

Deputy President.—As modified this is how it stands:—"*This Council requests the Government to delete from the Land Revenue Manual the provision to obtain the sanction from jenmies for laterite quarrying for domestic and agricultural purposes*".

Mr. A. S. Harihara Ayyar.—*Bona fide* domestic and agricultural purposes.

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Mr. A. B. Salem.—Other than commercial purposes.

Mr. Thomas Manjuran.—For the personal use of the occupier.

Dr. A. G. Menon.—Suppose he wants to let that house. It cannot be his personal use.

Mr. A. B. Salem.—For non-commercial purposes. It would be much better. That will make the idea clear.

Mr. Thomas Manjuran.—In fact that is the recommendation of the Diwan Peishkar too.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—All the facts and speeches are there. Not a single syllable which is new. Everything is there.

Mr. K. T. Mathew.—Sir, I may be permitted to add in the end "for non-commercial purposes".

Deputy President.—I suppose no-body has anything to say. The resolution before the House reads thus:—"*This Council requests the Government to delete from the Land Revenue Manual the provision to obtain the sanction from jenmies for laterite quarrying for non-commercial purposes*".

(*The resolution was put and agreed to.*)

(*The amendment of Mr. T. A. Ramachandra Ayyar was not pressed and was hence deemed withdrawn.*)

15. Inspector of Factories and Boilers.

Mr. T. A. Ramachandra Ayyar.—Sir, the resolution reads thus:—"*In view of the healthy and rapid increase in the number of Registered Factories and Boilers in the State, this Council recommends to the Government, in the interests of the Industrial progress, that the salary and status of the Inspector of Factories and Boilers and Prime-movers be raised to that of a second grade Departmental Head, and that his office be re-organised on the lines obtaining either in Travancore or in Madras, and that the Department be placed under the supervision of the Chief Engineer.*"

In British India and elsewhere, Factories and Boilers are two separate Departments, which in our State are under one and the same person. The work turned out by the Inspector in Cochin, who has to manage both, is, therefore, double than that of an Inspector of Factories or Boilers in British India is. Statistics as far as available will support this and his work is, therefore, more difficult and inconvenient, as Factories, Boilers and Prime-movers are scattered over the whole State from one corner to the other. Further the Department is placed directly under a non-technical head.

When the appointment of Factory Inspector was created here (appointing the present Inspector the first Inspector) there

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